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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,182	01/21/2004	Kia Silverbrook	MPA04US	2162

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EXAMINER	
LEBRON, JANNELLE M	

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,182	SILVERBROOK ET AL.	
	Examiner	Art Unit	
	Jannelle M. Lebron	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1-11 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 4-12 of copending Application No. 10/760,187 in view of Silverbrook et al. (US Patent 6,409,323).

Instant application: 10/760,182	***Co-pending application: 10/760,187***
1. A printhead module for a printhead assembly, comprising at least two printhead integrated circuits each having nozzles formed therein for delivering printing fluid onto the surface of print media, a support member supporting and carrying printing fluid for the at least two printhead integrated circuits, and at least two fluid distribution members each mounting one of the at least two printhead integrated circuits to the support member and distributing the printing fluid from the support member to the printhead integrated circuits,	A printhead module for a printhead assembly, comprising at least two printhead integrated circuits, each of which has nozzles formed therein for delivering printing fluid onto the surface of print media, a support member supporting the printhead integrated circuits and at least two fluid distribution members individually mounting a respective one of the at least two printhead integrated circuits to the support member (claim 1, lines 1-5),
wherein a lower surface of the at least two fluid distribution member is attached to an upper surface of the support member by an adhesive material,	wherein lower surfaces of the fluid distribution member are attached to the upper surface of the support member by an adhesive material (claim 9),
each of the fluid distribution members incorporates a laminated stack of layers, each layer having apertures for distributing the printing fluid from the support members to the associated printhead integrated circuit, the apertures of each layer from the support member to the associated printhead integrated circuit being of successively smaller diameter.	each of the fluid distribution members is formed as a laminated stack of layers for directing the printing fluid from the apertures of the support member to the nozzles of the associated printhead integrated circuit, each successive layer of the stack of from the support member to the nozzles having distribution apertures of successively smaller diameter (claim 1, lines 9-12).

Although the conflicting claims are not identical, they are not patentably distinct from each other because the listed claim 9 includes all the structure found in claim 1 of the present invention except "distributing the printing fluid from the support member to the printhead integrated circuits". Silverbrook et al. teach a laminated ink distribution structure for a printhead that distributes ink to an array of print chips (21) mounted on a

support member (28). It would have been obvious to one of ordinary skill in the art at the time of the invention to include means for distributing printing fluid from the support member to the printhead integrated circuits in the printhead of the claimed invention. One would have been motivated to so modify 10/760,187 for the purpose of providing an easily accessible way to supply ink as taught by Silverbrook et al.

3. Regarding claims 2-8 and 10-11 of the instant application, their limitations are contained in claims 1, 2, 4-8 and 10-12 of the reference application.

4. This is a provisional obviousness-type double patenting rejection.

5. Claims 1-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/760,272 in view of Silverbrook et al. (US Patent 6,409,323).

Instant application: 10/760,182	***Co-pending application: 10/760,272***
1. A printhead module for a printhead assembly, comprising at least two printhead integrated circuits each having nozzles formed therein for delivering printing fluid onto the surface of print media, a support member supporting and carrying printing fluid for the at least two printhead integrated circuits, and at least two fluid distribution members each mounting one of the at least two printhead integrated circuits to the support member and distributing the printing fluid from the support member to the printhead integrated circuits,	A printhead module for a printhead assembly, comprising a support member, at least two printhead integrated circuits, each of which have nozzles formed therein for delivering printing fluid onto the surface of print media, at least two fluid distribution members each mounting one of the at least two printhead integrated circuits to the support member (claim 1, lines 1-5),

wherein a lower surface of the at least two fluid distribution member is attached to an upper surface of the support member by an adhesive material,	wherein a lower surface of the at least two fluid distribution member is attached to an upper surface of the support member by an adhesive material (claim 8),
each of the fluid distribution members incorporates a laminated stack of layers, each layer having apertures for distributing the printing fluid from the support members to the associated printhead integrated circuit, the apertures of each layer from the support member to the associated printhead integrated circuit being of successively smaller diameter.	each of the fluid distribution members incorporates a laminated stack of layers, each layer having apertures for distributing the printing fluid from the support members to the associated printhead integrated circuit, the apertures of each layer from the support member to the associated printhead integrated circuit being of successively smaller diameter (claim 1, lines 12-15).
2. A printhead module wherein the at least two printhead integrated circuits, the support member and the at least two fluid distribution member are formed as a unitary arrangement with an electrical connector for connecting electrical signals to the at least two printhead integrated; and	A printhead module comprising a unitary arrangement of a support member, two integrated circuits [...], at least two fluid distribution members [...], and an electrical connector for connecting electrical signals to the at least two printhead integrated circuits (claim 1, lines 1-6);
the support member has at least one longitudinally extending channel for carrying the printing fluid for the at least two printhead integrated circuits and includes a plurality of apertures extending through a wall of the support member arranged so as to direct the printing fluid from the at least one channel to associated nozzles in both, or if more than two, all of the printhead integrated circuits by way of respective ones of the fluid distribution members.	wherein the support member has at least one longitudinally extending channel for carrying the printing fluid for the printhead integrated circuits and includes a plurality of apertures extending through a wall of the support member arranged so as to direct the printing fluid from the at least one channel to associated nozzles in both, or if more than two, all of the printhead integrated circuits by way of respective ones of the fluid distribution members (claim 1, lines 7-11).
3. A printhead module wherein the adhesive material is deposited to form a gasket which surrounds each of the apertures of the support member and each of corresponding apertures formed	A printhead module wherein the adhesive material is deposited to surround each of the apertures of the support member and each of corresponding apertures formed in the

in the lower surface of the at least one fluid distribution member so as to form a seal between the respective apertures.	lower surface of the at least one fluid distribution member so as to form a seal between the respective apertures (claim 9 - The fact that the reference application does not recite the "gasket" does not obviate the issue of double patenting).

Although the conflicting claims are not identical, they are not patentably distinct from each other because the listed claim 8 includes all the structure found in claim 1 of the present invention except "support member supporting and carrying printing fluid for the at least two printhead integrated circuits" and "distributing the printing fluid from the support member to the printhead integrated circuits". Silverbrook et al. teach a laminated ink distribution structure for a printhead that distributes ink to an array of print chips (21) mounted on a support member (28). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a support means for supporting and distributing printing fluid from the support member to the printhead integrated circuits in the printhead of the claimed invention. One would have been motivated to so modify 10/760,272 for the purpose of providing an easily accessible way to supply ink as taught by Silverbrook et al.

6. Regarding the rest of the claims, the limitations of claims 4-8 and 10-11 of the instant application are contained in claims 2-4, 6 7, 10 and 11 of the reference application.

7. This is a provisional obviousness-type double patenting rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jannelle M. Lebron whose telephone number is (571) 272-2729. The examiner can normally be reached on Monday thru Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on (571) 272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jannelle M. Lebron
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06/09/2006

Vip Patel
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